

WISHA ADVISORY COMMITTEE (WAC)
MEETING MINUTES
November 9, 2005
L&I Headquarters Building, Room S126

Members Present: Michael Roozen, Washington Bulb Company; Sharon Ness, United Staff Nurses Local 141; Cal Dickinson, Board of Industrial Insurance Appeals; Ed Wood, Jr., Communication Workers of America Local 7818; Tim Gottberg, GLY Construction; Bob Abbott, WA and Northern Idaho District Council of Laborers; Glen Foresman, Top Food and Drug and Steve Cant, Department of Labor & Industries

Member Not Present: Claude Golden, The Boeing Company

Guests: Nikki Cross, Washington Self-Insured Association; Mark Johnson, Washington Retail Association; Janice Camp, University of Washington; Donovan Quebedeaux and Amy Brackenbury, Building Industry Association of Washington and Gregory Chryst, OSHA Region X

Staff Present: Barbara Silverstein, Dave Bonauto, Julie Black, Janet Kenney, Anne Soiza and Ken Mettler

Recorder: Gerald Franks

Opening Remarks – Steve Cant

- Cal Dickinson, Board of Industrial Insurance Appeals is attending for Tom Egan.
- Randy Loomans has resigned from the committee. She has been assigned new duties within the Washington State Labor Council (WSLC). A letter was recently sent to the WSLC for their recommendation of a person to fill the vacancy. Steve passed around a plaque that commemorates Randy's long service on the committee. It will be presented to Randy as soon as she is available.
- Workers at Tyson's Wallula meat packing plant will receive \$7.3 million in a recent U.S. Supreme Court decision of a seven year old class action case. The high court held that workers should be paid for the time it takes for them to put on protective clothing and also the time it takes to walk from the locker room to the production line.
- The consultant's report on the field services assessment will be presented to the Director on November 21. Gary will make a decision on the next steps by the end of the month. The main feedback issues were unclear roles and responsibilities, lack of accountability, lack of consistency, resources not aligned with priorities, marketing of agency services, use of discretion and recognizing success.
Several members of the WAC expressed concern that they and other advisory committees were not informed and involved earlier in the field assessment process. Steve said the Director is aware of their concerns and he will strive to keep this and other committees better informed about L&I activities.
- Steve distributed an example of the new "Inspection Results" letter that is being sent instead of a "no violation" citation to better recognize safe workplaces. This change was made following an employer's suggestion at a small business roundtable meeting.
- A copy of Initiative 901 was distributed. This initiative, recently approved by Washington voters, prohibits smoking in public places and places of employment. Steve said that we are reviewing both our rules and the initiative to determine if there are any

conflicts or adjustments needed to our indoor air quality rule. A representative from the Department of Health will be invited to the next WAC meeting for discussion on the new law.

- Steve was recently elected to a two-year term as chair of the Occupational Safety and Health State Plan Association.

SHARP Update – Barbara Silverstein

Barbara provided a brief overview of the following SHARP activities and reports (also available on the SHARP website located at www.lni.wa.gov/safety/research):

- Two fatality narratives, one where a carpenter fell through a skylight opening and another about a specialty trade contractor who fell from a ladder.
- A survey of tractors and roll-over protective structures in Washington State.
- A report on how well the strain index predict carpal tunnel syndrome.
- A survey of trucking companies that ranks types of injuries based on experience.

Representative Steve Conway recently asked the agency to convene a task force to examine issues related to lifting practices in health care environments. The task force will examine current lifting programs and policies in hospitals, nursing homes, home health care, etc. The task force will also examine how they work, the challenges they face and how they are funded. A final report will be provided to the House Commerce and Labor Committee by December 15, 2005. The report will also be posted on the SHARP website.

SHARP has begun a preliminary analysis of workers compensation claims related to heat-related illnesses (HRI) in August of this year. Dave Bonauto said several factors contribute to HRI including weather conditions, medications used by workers, type of clothing, etc. The majority of HRI claims are concentrated during the summer months. The claim codes are primarily in the construction, agriculture and public administration classifications and approximately fifteen percent of HRI claims were compensable. A complete analysis of workers' compensation claims identified by the 10 ICD-9 codes and ANSI codes supporting a diagnosis of HRI is underway. The claims will be described by industry and other factors associated with HRI and be completed by the end of 2005.

Steve mentioned that he has directed the Standards staff to begin work on a WISHA heat stress standard. Steve believes that this will bridge the gap in the current standard as it applies to the outdoor environment. The standard will be brief and simply written and the committee will be given an opportunity to review and comment on the draft version before it is put into effect before summer 2006.

2006 Legislative Update – Steve Cant

WISHA has one request bill dealing with right of entry clarification. This will clarify the authority of the department to request, and of a Superior Court judge to issue a warrant to enter workplaces to conduct WISHA inspections. L&I also has request legislation dealing with employer reporting of claims, expanding pension options, crime victims' collection authority, crime victims' eligibility requirements and funding prevailing wage – eliminate the 30% transfer to the general fund.

A summary of the current WISHA Regional Directives (WRD) was distributed. Steve said if anyone had suggestions or believed any of the directives needed clarification to please contact his office. The language in two recently enacted directives on logging partnerships (WRD 2.21)

and focused inspections in construction & third-party recognition programs (WRD 2.25) represent the direction being given to WISHA staff. Steve mentioned that we have been having good discussions with several employer groups on workplace safety issues. We are also updating our targeting policies and recently updated the WISHA field compliance manual.

Worker Safety and Health Logic Model – Janet Kenney

Janet distributed a copy of the draft worker safety and health logic model. This is a tool to relate an agency's activities and results into a broad level of Office of Fiscal Management's Priorities of Government (POG). The worker safety and health activities fall into four broad areas: research (SHARP), training, worksite visits to conduct consultations and inspections and partnership activities with the WAC and other groups. We will eventually present this information and our performance results at public forums. Janet requested that the committee review both the draft logic model and the measures and send comments back to her or Steve. This draft will be presented to the Director and executive management team on November 15.

Performance Goals

Janet distributed a draft of revisions to several WISHA performance goals. This is in response to a suggestion at a WAC meeting earlier this year to better present our goals so they appear as identifying workplace hazards and not setting quotas. This will help concentrate our efforts on finding serious hazards in industries most likely to have those hazards. The draft revisions are framed in terms of a prevention index that was developed by SHARP using both claim rates and claim counts. Janet said we she would like the committee's feedback on the proposed revisions by November 21. The revised goal language will be discussed at an OSHA monitoring meeting in early December. The committee will be given regular updates on the performance goals at future meetings.

Steve mentioned that several Policy and Technical Services program staff will be attending the OSHA fatal investigation training class, and that we are working with business and trade organizations on other ways to improve WISHA inspection performance.

Small Business Update – Julie Black

Julie updated the committee on the agency's initiative to better serve small business. As a result of recent roundtable discussions, small business owners and organizations have said that:

- They want to be treated like a customer.
- They want us to assist them in stopping fraudulent workers' comp claims.
- They want us to take action against companies that don't pay workers' compensation premiums.
- They want us to give businesses more credit for good history on safety and workers' compensation claims.
- They want us to provide more information that's to-the-point, focuses on small business needs and is delivered when needed.

Julie said that as a result of these suggestions, L&I will hire a small business liaison in late November 2005 who will be the main contact person for small business owners and managers. They can get assistance now by calling 1-800-LISTENS (547-8367) or sending a message by e-mail to SmallBusiness@LNI.wa.gov. We're consulting with small business leaders to improve the way we deliver workers' compensation insurance services to small business. A monthly e-mail newsletter, *L&I News for Small Business*, is also available at the above e-mail address. We are also continuing to schedule additional local "roundtable" meetings statewide with small

business owners and managers. Internal L&I staff are being trained to better serve small business.

Miscellaneous

Anne distributed handouts on the top 50 WISHA violations cited and top 30 recordkeeping violations that was requested at a recent WAC meeting. Anne also mentioned that her staff is creating a small business outreach webpage.

Janice Camp mentioned that NIOSH will be holding a NORA (National Occupational Research Agenda) town meeting devoted to general industry and agriculture issues on January 17, 2006. *The committee and interested parties will be sent additional information about the meeting when available.*

Next Meeting and 2006 Meeting Schedule– All

The 2006 WAC meetings will be held on:

- February 8
- June 14
- September 13
- November 8

Tentative agenda items for February:

- SHARP Update
- Committee Roles & Responsibilities
- Initiative 901 Discussion with DOH
- Update on Field Services Assessment
- Legislative Update
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Action Item:

WHO	WHAT
Gerald Franks	Forward additional information from Janice Camp to the committee and interested parties about the NORA town meeting on January 17, 2006. (COMPLETED)

With no further business, the meeting was adjourned.